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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,394	11/26/2001	Serge Lanvin	600.1189	7881

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EXAMINER

HAMILTON, ISAAC N

ART UNIT	PAPER NUMBER
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3724

DATE MAILED: 10/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/994,394

Applicant(s)

LANVIN ET AL.

Examiner

Isaac N Hamilton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 07.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim objections are hereby withdrawn.

Claim Rejections - 35 USC § 112

2. Claim rejection made under 35 USC 112 are hereby withdrawn.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 and 8-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Foster et al (5,524,930), hereafter Foster.

Regarding claims 1, 14 and 15, note first section on the right side of cutting zone 16 in figure 1; plurality of perforating teeth 20 on the right side of cutting zone 16 in figure 1; perforation-free gap juxtaposed between the cutting zone 16 and the first perforating tooth 20 on the right side of cutting zone 16; second section to the left of perforation-free gap in figure 1; cutting zone 16; perforating elements 20 on the left side of cutting zone 16; perforating elements being angled 23 in figure 3; longitudinal axis 26.

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Regarding claims 2 and 3, note juxtaposition of perforation-free gap and cutting zone in figure 1, and group of perforating elements 20 on the left side of the cutting zone in figure 1.

Regarding claims 4 and 5, note angle between 20 and 40 degrees in column 4, lines 18-20.

Regarding claim 6, note two groups 23 and 24 to the left of cutting zone 19 in figure 3; and cutting segments 22 in figure 1.

Regarding claim 8, note perforating elements 23 and 24 at a rear edge are angled on one side of axis 26 in figure 3.

Regarding claim 9, note perforating elements 23 and 24 at a front edge are angled on one side of axis 26 in figure 3.

Regarding claim 10, note perforating tongues 20 in figure 1.

Regarding claim 11, note slit-shaped openings 24 in figure 1.

Regarding claim 12, note slanted tip of perforating element 10 juxtaposed between element 44 and element 32 in figure 5.

Regarding claim 13, note lengths of first and second sections are the same in figure 3.

Regarding claim 14, note web-processing printing machine in column 1, lines 7-22.

Regarding claim 16, note the fold center line is located at the center of the tool. The center of the tool is interpreted as the general area is between the first perforating element and the first perforating tooth.

Regarding claim 17, note spaces 24 in figure 2. The perforation-free gap is interpreted as the space juxtaposed cutting zone 16 and the first tooth 20. As shown in figure 3, since the teeth 20 are at an angle, the distance between the cutting zone and the closest tip of the first tooth 20 is

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larger than the spaces 24 in figure 2. The distances appear equal in figure 2, however, this figure is in a profile view, and figure 3 clearly shows that the perforation-free gap is clearly larger than spaces 24.

Regarding claims 18 and 19, note that the fold center line can be provided in several different positions, and the sheet can be positioned in Foster in several positions. The structure of Foster is the same as the limitations in the instant application and is capable of having the perforation-free gap at the fold center line. The cutting zone 16 borders the perforation-free gap. The first section one half of the tool and the second section is another half of the tool.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Foster in view of Wadzinski (5,146,829). Foster discloses everything as noted above, but does not disclose perforating elements symmetrically angled with respect to the axis. However, Wadzinski teaches perforating elements 22 symmetrically angled with respect to the axis 20 in figure 1. It would have been obvious to provide perforating elements symmetrically angled with respect to the axis in Foster as taught by Wadzinski in order to apply even pressure to the rear side and front side of the perforating elements while they engage the web material.

Response to Arguments

Applicant's arguments filed 8-4-2003 have been fully considered but they are not persuasive. Applicant asserts that Foster does not show a perforation-free gap extending from a fold center line to the plurality of perforating teeth. It is believed that the structure in Foster is capable of providing a perforation-free gap extending from a fold center line to the plurality of perforating teeth. Applicant is attempting to claim the intentions of the tool, however, the structure of the apparatus in Foster is equivalent to the structure of the instant application.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The

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examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.


In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.



IH

October 20, 2003


Allan N. Shoap
Supervisory Patent Examiner
Group 3700